

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

The Noahide Laws - Lesson Thirty Seven



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Introduction

In this last lesson on dietary laws we are not going to discuss Noahide prohibitions, rather, we are going to discuss a number of prohibitions that apply only to Jews. The reason we are discussing these laws here is because they affect the relationship between Jews and non-Jews. Food is a major factor in building social bonds and relationships. All too often, the Jewish dietary laws present challenges for Jews and non-Jews. The issue, however, is not merely one of ingredients. As we shall see, Torah law places limits on Jewish and non-Jewish social interactions, using food to define the boundaries of these relationships. It is important to understand the basis and reasons for these restrictions so that either group does not offend one another or come to misunderstanding.

Two Reasons

These prohibitions are motivated by two concerns. Some are due to the possibility that non-kosher material may be present. Others were established for the express purpose of limiting social contact between Jews and non-Jews. This group of prohibitions was established out of concern for intermarriage between Jews and non-Jews; an extremely severe prohibition with equally severe consequences.

Modern Applications

Even though many of the reasons behind these prohibitions are not relevant anymore in our times, they nevertheless continue to apply. This is because of a principal in Torah law called *davar she-biminyan*.¹ This principle teaches that decrees established by ancient courts cannot be overturned by later courts unless they are equal in number and eminence to the original court.

Stam Yayin - Wine

Wine that is owned or made by a non-Jew is prohibited for Jewish consumption. This is so even if all of the ingredients and utensils used in the process of manufacture are kosher. Included as well is any wine or grape product has been touched, moved, or poured by a non-Jew. The rabbis made this decree out of concern for the intent of the non-Jew at the time of handling the wine. If the non-Jew had any thoughts or intent for idolatry at that time, the wine would become biblically prohibited to Jews like an idolatrous offering. Today, this law applies in a slightly different way than it did in ancient times. This is because the idolatry of today differs from ancient idolatry. Nevertheless, many elements of this law are still an application to all grape-juice, wine, and grape derivatives. Because of *davar she-biminyan* (discussed above), this law applies even to wine touched by Noahides and even those in the process of conversion to Judaism.

Though this prohibition applies to all grape juice, wine, and grape byproducts, it does not apply to wine or grape juice that has been boiled or cooked. This is because the ancient forms of idolatry that motivated the original prohibition did not consider cooked wine fit for religious use.

Therefore if you are at a gathering of Jews at which wine is served, make sure that the wine is *Mevushal*, cooked, before handling it. If it is not cooked, then it should not be handled or moved. Similarly, if bringing wine to a dinner, one should only give wine that is *Mevushal*. This is usually indicated on the label, near the *hekbsher* (symbol of kosher approval):

¹ *Beitz'a 5a*.



Lastly, kosher wine that remains corked and sealed cannot be rendered prohibited until it is opened.

Chalav Akum & Gevinas Akum - Milk & Cheese

Milk and cheese produced by non-Jews, even if all of their ingredients are kosher, is nevertheless prohibited for Jews. This is because non-kosher material may have been mixed into the milk or the cheese. In order for non-Jewish milk or cheese to be kosher, a Jew must have been present while the cheese was made or the milk was milked.

These laws have very little impact on regular Jewish and non-Jewish interactions. Nevertheless it is good to be aware of them.

Pas Akum - Baked Goods

Bread baked by a non-Jew is prohibited for Jewish consumption. This is even if all of the ingredients and the oven involved were kosher. This decree was made purely to limit the social interaction between Jews and non-Jews. Resultantly, bread baked for commercial purposes, meaning for sale and not for consumption, may be eaten by a Jew and is not subject to this prohibition. Therefore, a Jew cannot eat cookies baked for him by a non-Jewish friend, but a Jew can purchase the exact same item at the grocery store.

Bishul Akum - Non-Jewish Cooking

Anything cooked by a non-Jew is prohibited for Jewish consumption. This is, again, even if all of the ingredients and utensils used are kosher. However, this law only applies to foods which have a certain degree of "significance." The details of what is considered "significant" for the purposes of this law are complicated and not always a matter of consensus. Generally speaking, very basic staple foods, such as coffee and tea, and certain basic snacks (like potato chips, according to some) prepared by a non-Jew may be eaten by a Jew.

However, almost all other items are considered prohibited for Jewish consumption. As well, the utensils used by the non-Jew in preparation of these foods are also prohibited for use by a Jew. If food is later cooked by a Jew in these utensils, that food would also be prohibited for Jewish consumption.

Practically speaking, this prohibition makes it impossible for a Jew to ever eat food of any kind that has been prepared in the home of a non-Jew. This was, after all, the fundamental intent of this law.

The only exception to this law is if a Jew has minimal participation in the cooking. Ashkenazim and Sephardim have different understandings as to what is called “minimal participation.”

***Sheichar Akum* - Social Drinking**

This prohibition is one that, unfortunately, is not even known by many Jews.

Jews are not permitted to drink socially with non-Jews. Specifically, this refers to gathering in which the purpose is to socialize and drink. It does not apply to situations in which the gathering has a primary purpose and alcohol just happens to be served. For example, if a Jew attends a conference with his coworkers, and beers happened to be served, or there is an open bar, a Jew may be allowed to have a drink. However, this is only if the occasion is infrequent. If the event or circumstances occur regularly, the Jew would not be allowed to drink. For example if a company gets together once a week to discuss business matters, and alcohol is always served at these meetings, a Jew would be prohibited from partaking in the beverages.

Similarly Jew cannot accept an invitation from a non-Jew to "come over and have a beer." However, if the Jew is in your home for some other reason (business, helping you move, etc.) then he may accept the offer of a drink. This law also forbids Jews from attending bars - an environment designed for social drinking. According to some authorities, this law does not only apply to alcohol, but to all "social beverages." Therefore, getting a cup of coffee at Starbucks would also be prohibited. Most authorities, though, point out that coffee houses are not places of socializing like bars. After all, people who congregate in coffeehouses usually

² YD 114. The application of this law depends greatly on existing social conventions and other details that change with time. As a result, the *Shulchan Aruch* is not the final word on this prohibition. Deciding questions pertaining to this law require familiarity with the decisions of later *poskim*. This section is based mostly on *Sefer Bein Yisrael LeNochrim* 11:8:23; *Chelkas Binyamin* 114:12; *Shut Halachos Ketanos* 9; *Bais Yehudah* 21; *Sheeilas Yaavetz* II:142; *Chochmat Adam* 66:14; *Shut Rivevot Ephraim* 6:79; *Shut Chai HaLevi* 4:53:6-7.

do so in small groups or individually and rarely speak to strangers. Therefore, a Jew may get coffee in a coffee house, but is prohibited from getting alcohol in a bar. Nevertheless a Jew may not regularly go out regularly with non-Jews or a non-Jewish group and get coffee for the purpose of socializing.

Transporting Kosher Foods

Food transported or entrusted to a non-Jew, even if being sent from one Jew to another, is subject to a number of rules.

- All food requires at least one seal. The type of seal will be discussed in the live class.
- Wine, meat, chicken and fish require two seals.

In certain situations, the absence of such seals will render the food non-kosher when it arrives at its final destination. This *Halacha* contains a number of nuanced details. A *posek* should be asked in any situation in which a question arises.

Summary of the Lesson

1. Certain prohibitions were decreed on non-Jewish foods either out of concern for kashrus or to limit social interactions.
2. These prohibitions apply today regardless of whether or not the underlying reasons for the prohibitions still exist.
3. Wines owned, made, touched, poured, or handled by non-Jews become prohibited for Jewish consumption. The exceptions are wines that remain fully sealed and corked or that are *Mevushal*.
4. There are similar laws pertaining to milk and cheese, however these don't have much practical effect on Jewish/Non-Jewish interactions today.
5. Anything baked by a non-Jew for consumption is prohibited to Jews. This is true even if all the ingredients are kosher. However, if baked goods are made for commercial sale, then they are permitted.
6. Any food cooked by a non-Jew is prohibited for Jewish consumption. This is even if the food is cooked in a Jew's home using the Jews utensils. The pots and pans used for this cooking are even rendered non-kosher. The only way to permit non-Jewish cooking is if a Jew participates, even minimally, in the cooking. There are differing opinions between Ashkenazi and Sephardi authorities as to what is called "minimal participation."
7. Social drinking between Jews and non-Jews is prohibited. A Jew cannot get a drink at a non-Jewish bar. Although this prohibition would technically include coffee houses as well, most authorities do not extend the prohibition that far.
8. A non-Jew cannot transport or hold onto food on behalf of a Jew unless the food is wrapped and sealed. Different foods require different types of seals.